

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

DANA NICHOLS,  
Plaintiff,

vs.

Civil Action No. 04-12015-PBS

GENESIS ELDERCARE  
MANAGEMENT SERVICES, INC.,  
Defendant

**JOINT SCHEDULING STATEMENT**

Pursuant to this Court's Notice of Scheduling Conference, and in accordance with Fed. R. Civ. P. 16 (b) and Local Rule 16.1, the parties hereby submit the following Joint Statement, which includes: (1) a proposed agenda of matters to be discussed at the scheduling conference; (2) a proposed pretrial schedule (including a plan for initial disclosures, discovery, the filing of motions, and a pretrial conference); and (3) certifications required by Local Rule 16.1(D)(3).

**I. Agenda of Matters to be Discussed At Scheduling Conference.**

A. Plaintiff's Settlement Proposal

B. Trial By Magistrate Judge. At this time, the parties do not consent to trial by a Magistrate Judge.

C. Proposed Pretrial Schedule

1. Initial Disclosures
2. Discovery Plan
3. Motion Schedule
4. Pretrial Conferences

D. Any Matter Listed in Fed. R. Civ. P. 16(c).

**II. Proposed Pretrial Schedule**

**A. Initial Disclosures**

The parties will exchange initial disclosures by November 10, 2004.

**B. Discovery Plan**

**Deadline for Completion of Discovery:** May 27, 2005. Discovery shall be served so that the responses shall be completed by May 27, 2005. The parties agree that the discovery shall be conducted pursuant to the limitations set forth in Local Rule 26.1(C). The parties do not expect to present expert testimony.

**C. Motion Schedule**

**Motions For Summary Judgment:** Any motion for summary judgment shall be filed by July 1, 2005.

**D. Pretrial Conference**

The parties will be prepared to meet with the Court to discuss scheduling the trial of this matter on or after September 16, 2005.

**IV. Certifications By Counsel and Parties**

The parties will file under separate cover certifications from counsel and authorized representatives of each party that they have conferred on the matters set forth in Local Rule 16.1(D)(3).

**GENESIS ELDERCARE  
MANAGEMENT SERVICES, INC.**

By its attorney,

/s/ Scott A. Roberts

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**DANA NICHOLS,**

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Dated: November 9, 2004